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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 VAL POPESCU, an individual;

12 Plaintiff,

13 vs.

14 4ACCESS COMMUNICATIONS  
COMPANY, a Delaware corporation, and  
15 DOES 1 through 10, inclusive,

16 Defendants.  
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**Case No. 3:08 CV 00525 JM RBB**

**DEFENDANT 4ACCESS  
COMMUNICATIONS COMPANY'S  
OBJECTION TO EVIDENCE**

*[Reply in Support of Motion Filed  
Concurrently Herewith]*

The Honorable Jeffrey T. Miller

Hearing Date: May 30, 2008

Time: 1:30 p.m.

Place: Courtroom 16

Defendant 4ACCESS COMMUNICATIONS COMPANY (“4Access”), hereby objects to the following evidence presented by Plaintiff Val Popescu (“Plaintiff”), in connection with the Memorandum of Points and Authorities in Opposition to Defendant’s Motion to Dismiss for Improper Venue, set for hearing on May 30, 2008, before this Court:

**1. Declaration of Val Popescu in Support of Plaintiff’s Opposition to Defendant’s Motion to Dismiss for Improper Venue, dated May 16, 2008, ¶ 5, Exhibit 1.**

”The amount of wages that 4Access was obligated to pay me for such period is established by a letter agreement between me and 4Access dated February 24, 2002. A true and correct copy of such February 23, 2002 letter is submitted as Exhibit 1 to this declaration.”

Objection: This evidence is objected to on the grounds that “Exhibit 1” is not what Plaintiff purports it to be. (Fed. R. Evid. 401, 402, 901) (*Alexander Dawson, Inc. v. NLRB*, 586 F.2d 1300, 1302 (9th Cir. 1978) (“The issue for the trial judge under Rule 901 is whether there is prima facie evidence, circumstantial or direct, that the document is what it is purported to be. If so, the document is admissible into evidence”). To the extent that Plaintiff paraphrases the contents of a document, 4Access objects because the document speaks for itself. (Fed. R. Evid. 1002).

Dated: May 27, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: s/ Jeffrey S. Renzi  
 Douglas J. Rovens  
 Jeffrey S. Renzi  
 Attorneys for Defendant  
 4ACCESS COMMUNICATIONS COMPANY

LOSANGELES/265474.

**PROOF OF SERVICE**  
(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is 555 South Flower Street, 31st Floor, Los Angeles, California 90071-2300, which is located in the county where any non-personal service described below took place.

On May 27, 2008, a copy of the following document(s):

**DEFENDANT 4ACCESS COMMUNICATIONS COMPANY'S OBJECTION  
TO EVIDENCE**

was served on:

Gregory P. Goonan, Esq.  
The Affinity Law Group APC  
600 West Broadway, Suite 400  
San Diego, California 92101-3352  
Telephone: (619) 446-5661  
Facsimile: (619) 515-1197  
[ggoonan@affinity-law.com](mailto:ggoonan@affinity-law.com)

Service was accomplished as follows.

☐ **By U.S. Mail.** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice the mail would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **By personal delivery by Beverly Hills Express Attorney Services** of the document(s) listed above to the person(s) at the address(es) set forth above.

☒ **By Electronic Means.** On the above date, I filed the above-mentioned document(s) by electronic means with the Court. As such, the Court electronically mailed such document(s) to the parties noted above, whose electronic mail address is set forth above.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on May 27, 2008, at Los Angeles, California.

s/Jeffrey S. Renzi

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Jeffrey S. Renzi